

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RAMIRO GOMEZ DBA BAKERY CAFÉ,

Plaintiff,

v.

BLACKBOARD INSURANCE COMPANY
F/K/A HAMILTON SPECIALTY
INSURANCE COMPANY,

Defendants.

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Civ Action No. 2:19-cv-279

DEFENDANT BLACKBOARD INSURANCE COMPANY'S NOTICE OF REMOVAL

To the Honorable U.S. District Judge:

Defendant Blackboard Insurance Company ("Blackboard") respectfully submits its Notice of Removal pursuant to 28 U.S.C. § 1332, 1441, and 1446, and in support thereof shows the Court as follows:

I. BACKGROUND

1. Plaintiff Ramiro Gomez d/b/a Bakery Cafe ("Plaintiff" or "Bakery Café") commenced this lawsuit on August 26, 2019 by filing "Plaintiff's Original Petition, and Requests for Disclosure" in the 343rd Judicial District Court of San Patricio County, Texas, bearing Cause No. S-19-5825CV-C (the "State Court Action").
2. Plaintiff's Petition names Blackboard Insurance Company f/k/a Hamilton Specialty Insurance Company ("Blackboard") as defendant.
3. Plaintiff served Blackboard with Plaintiff's Original Petition by serving its registered agent CT Corporation System via certified mail, return receipt requested, on August 30, 2019.

4. Therefore, Blackboard's removal is timely filed within thirty (30) days of service of the initial pleading filed by Plaintiff. 28 U.S.C. § 1446(b)(2)(B).

II. BASIS FOR REMOVAL

4. Venue is proper in this District under 28 U.S.C. § 1441(a) because the state court where the action is pending is located in this District and this division.

5. Removal is proper under 28 U.S.C. § 1332(a) if there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

These two conditions are satisfied in this matter.

A. Removal is Proper Because Complete Diversity of Citizenship exists between Plaintiff and Blackboard.

6. Plaintiff is a resident of San Patricio County, Texas.

7. Blackboard is an insurance company incorporated in the State of Delaware with its principal place of business in New York. Blackboard is thus a citizen of Delaware and New York for diversity jurisdiction purposes.

8. Given these considerations, there is complete diversity of citizenship between Plaintiff and Blackboard.

B. Removal is Proper Because Plaintiff's Claimed Damages Exceed \$75,000.

9. In Plaintiff's Original Petition, Plaintiff seeks "monetary relief of over \$200,000.00 but not more than \$1,000,000.00." Therefore, Plaintiff seeks damages in excess of \$75,000, and therefore removal is proper.

C. The Removal is Timely, and Venue is Proper.

10. This Notice of Removal is timely as it is being filed within thirty (30) days of the citation and Original Petition being served on Blackboard, and within one year of the commencement of this action. Venue is proper in this District under 28 U.S.C. § 1441(a) because the state court

where the action has been pending is located in this District. Defendant Blackboard is the only defendant to this lawsuit.

III. CONCLUSION

11. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the clerk of the District Clerk of San Patricio County, Texas promptly after the filing of this Notice.

12. As required by 28 U.S.C. § 1446(a), and Local Rule 81, a certified copy of each of the following are attached to (or filed with) this Notice:

- a. All executed process in the case;
- b. Pleadings asserting causes of action (Plaintiff's Original Petition, Demand for Jury, and Written Discovery to Defendant);
- c. Blackboard's Answer;
- d. All orders signed by the state judge (none);
- e. The docket sheet;
- f. An index of matters being filed;
- g. A list of all counsel of record, including addresses, telephone numbers and parties represented; and
- h. a separately signed disclosure that complies with Federal Rule of Civil Procedure 7.1.

13. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice will be given to all adverse parties promptly after the filing of this Notice.

THEREFORE, Defendant Blackboard Insurance Company requests that this action be removed from the 343rd Judicial District Court of San Patricio County, Texas, to the United States

District Court for the Southern District of Texas, Corpus Christi Division, and that this Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,

SHACKELFORD, BOWEN, MCKINLEY & NORTON, LLP

By: /s/ Hilary C. Borow_____

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**ATTORNEYS FOR DEFENDANT BLACKBOARD
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2019, I filed the foregoing document with the Clerk of the U.S. District Court for the Southern District of Texas and served a copy by email via the Court's ECF/ENS system to the following counsel of record:

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